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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
CHANG, YEAN HSI	
ART UNIT	**PAPER NUMBER**
2835	

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/706,204	SALINAS ET AL.	
	Examiner	Art Unit	
	Yean-Hsi Chang	2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/12/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-38 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,667,879 B2 (Pat'879). Although the conflicting claims are not identical, they are not patentably distinct from each other because all subject matters claimed are the same except the arrangements in the claims are different and some terminologies claimed are different, such as: a removable component vs. a drive, a retention latch vs. a latch, a leveraging release member vs. a lever, a multi-stage actuator vs. an actuation member, a first actuator member vs. a button, a second actuator member vs. a base portion, a flexible member vs. a spring member, an angled surface vs. a sliding surface, and etc. Even though there are subject matters not claimed in the claims of Pat'879, such as a

pivot, and a catch member; however, It would have been obvious to one having ordinary skill in the art that there must be a pivot for "a lever pivotally mounted ...", and there must be a catch member for "a catch configured to secure the drive to the chassis."

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Howell et al. (US 6,069,790).

Howell teaches a latch mechanism (fig. 3) for a removable component (26, fig. 3) of an electronic device (10, fig. 2), comprising:

- a retention latch (32, fig. 3), a leveraging release member (42. fig. 3), and a multi-stage actuator (42, fig. 3) comprising: first actuator member (50, fig. 3) engageable in a first position (L1, fig. 3) to move the retention latch, and second actuator member (38. fig. 3) engageable in a second position to move the leveraging release member (claim 1);
- wherein the retention latch comprises a catch member (56, fig. 3) disposed adjacent a flexible member (61, fig. 3) adapted facilitate movement of the

catch member between secured and released positions (L1, fig. 3 and L2, fig. 4) (claim 2);

- wherein the first actuator member and the retention latch are wedgingly engageable along at least one angled surface (surface of 70 and 52, fig. 3) (claim 3);
- wherein the at least one angled surface is disposed on the retention latch (surface of 70) (claim 4);
- wherein the at least one angled surface is disposed on the first actuator (52) (claim 5);
- wherein the first and second positions are disposed apart along substantially linear path (shown as indicated by D1, fig. 5) (claim 7); and
- wherein the first actuator member comprises an externally accessible engagement portion (38) adapted for user engagement outside the electronic device (claim 10).

5. Claims 1, 6 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Lwee (US 5,299,089).

Lwee teaches a latch mechanism (1, fig. 1) for a removable component (4, fig. 6) of an electronic device (not shown, see col. 1, lines 9-15), comprising:

- a retention latch (104, fig. 1), a leveraging release member (56, fig. 1), and a multi-stage actuator (54, fig. 1) comprising: first actuator member (104, fig. 1) engageable in a first position (figs. 11 and 12) to move the retention latch,

and second actuator member (62. fig. 1) engageable in a second position to move the leveraging release member (claim 1);

- wherein the leveraging release member comprises a pivot joint (58, fig. 1) and an abutment surface (at 64, fig. 1) offset from the pivot joint, wherein the second actuator member is movable against the abutment surface in the second position (shown in fig. 1) (claim 6);
- wherein one of the first and second actuator members is disposed movably within the other of the first and second actuator members (104 being movable within 62 as shown in figs. 11 and 12) (claim 8);
- wherein the first actuator member comprises a first button (front of 104, fig. 12) and the second actuator member comprises a second button (front of 62, fig. 12) (claim 9); and
- wherein the first actuator member comprises an externally accessible engagement portion adapted user engagement outside the electronic device, and wherein the second actuator member comprises another externally accessible engagement portion adapted user engagement outside the electronic device (shown in fig. 1) (claims 10-11).

6. Claims 12-17, 20-22, 32-35, 38-40 and 43-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Tirrell et al. (US 5,828,546).

Tirrell teaches a computer drive (35, fig. 2) comprising:

- a drive chassis (1, fig. 1a), a latch (16, fig. 1a) movable between released (fig. 1a) and secured positions (fig. 3) against the drive chassis, a lever (10, fig. 1a) movable between unleveraged (fig. 1a) and leveraged positions (not shown) against the drive chassis, a first actuator (one end of 16, fig. 1a) engageable with the latch to move the latch from the secured position to the released position, and a second actuator (10a, fig. 5) engageable with the lever after the latch has been moved to the released position to move the lever from the unleveraged position to the leveraged position (claim 12);
- wherein the drive chassis comprises a rewritable storage device (inherent feature of a disk drive) (claim 13), wherein the rewritable storage device comprises a hard disk drive (see col. 6, lines 63-67) (claim 14), a floppy disk drive (claim 15), or an optical storage drive (claim 16);
- The computer drive of claim wherein the latch comprises a catch member (one end portion of 16 to be engaged with 16a, fig. 1a) disposed adjacent a forcibly-flexible member (see col. 6, lines 13-26, a middle portion of 16 should be flexible) (claim 17);
- wherein the first and second actuators are movable one after another along a substantially linear path (they move together) (claim 20);
- wherein one of the first and second actuators is disposed movably within the other the first and second actuators (16 moves within 10) (claim 21);

- wherein at least one of the first and second actuators comprises an externally accessible engagement portion (both having externally accessible engagement portion) (claim 22); and
- a method of operating and manufacturing a mechanism for releasably mounting a drive into a computer chassis as set forth in claims 32-35 and 38 being disposed in the specification (claims 32-35, 38-40 and 43-44).

7. Claims 12, 19, 32, 37, 39 and 42 and are rejected under 35 U.S.C. 102(b) as being anticipated by Sheppard et al. (US 5,319,519).

Sheppard teaches a computer drive (12, fig. 4A) comprising:

- a drive chassis (18, fig. 4A), a latch (106, fig. 4B) movable between released and secured positions (figs. 5A and 5B) against the drive chassis, a lever (98, fig. 4B) movable between unleveraged and leveraged positions (figs. 5B and 5A) against the drive chassis, a first actuator (120, fig. 4B) engageable with the latch to move the latch from the secured position to the released position, and a second actuator (78, fig. 4B) engageable with the lever after the latch has been moved to the released position to move the lever from the unleveraged position to the leveraged position (claims 12, 32 and 39); and
- wherein the lever comprises a pivot joint (104, fig. 4B) and an abutment surface (in side 98a, fig. 4B) offset from the pivot joint, wherein the second actuator is movable against the abutment surface (claims 19, 37 and 42).

8. Claims 23-26 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Howell et al.

Howell teaches a computer chassis (10, fig. 2) comprising:

- a support structure (30, fig. 2) having a receptacle (above 30, fig. 2) adapted to receive a removable component (26, fig. 2), a component retention latch (32, fig. 3) adapted to latch the removable component removably within the receptacle, a component release lever (42. fig. 3) adapted to leverage the removable component out of the receptacle, a first actuator (50, fig. 3) movable in a first path adapted to unlatch the component retention latch from the removable component, and a second actuator (38. fig. 3) movable in a second path adapted to bias the lever against the removable component (claim 23);
- wherein the support structure comprises a computer (26, fig. 2) (claim 24);
- wherein the component retention latch comprises a catch member (56, fig. 3) disposed against a flexible member (61, fig. 3) adapted to bend and to position the catch member between secured and unsecured configurations with the removable component (shown in figs. 3 and 4) (claim 25);
- wherein the first actuator and the component retention latch are wedgingly engageable along an angled surface (surface of 70 and 52, fig. 3) to bias the component retention latch (claim 26); and

- wherein at least one of the first and second actuators comprises an externally accessible engagement portion (38) extending outside the support structure (claim 30).

9. Claims 23, 27 and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Lwee.

Lwee teaches a computer chassis (1, fig. 1) comprising:

- a support structure (12, fig. 1) having a receptacle (22, fig. 1) adapted to receive a removable component (35, fig. 6), a component retention latch (104, fig. 1) adapted to latch the removable component removably within the receptacle (see col. 8, lines 44-49), a component release lever (56, fig. 1) adapted to leverage the removable component out of the receptacle, a first actuator (104, fig. 1) movable in a first path (110, fig. 11) adapted to unlatch the component retention latch from the removable component (shown in fig. 11), and a second actuator (62, fig. 1) movable in a second path (Y-direction in fig. 1) adapted to bias the lever against the removable component (claim 23);
- wherein the leveraging release member comprises a pivot joint (58, fig. 1) and an abutment surface (at 64, fig. 1) offset from the pivot joint, wherein the second actuator member is movable against the abutment surface during the second path (shown in fig. 1) (claim 27);

- wherein one of the first and second actuator members is disposed movably within the other of the first and second actuator members (104 being movable within 62 as shown in figs. 11 and 12) (claim 29);
- wherein at least one of the first and second actuators comprises an externally accessible engagement portion extending outside the support structure (104, fig. 1), and the externally accessible engagement portion comprises a button (shown in fig. 1) (claims 30-31)

10. Claims 23 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Karidis et al. (US 5,793,607).

Karidis teaches a computer chassis (10, fig. 1) comprising:

- a support structure (12, fig. 1) having a receptacle (11, fig. 2) adapted to receive a removable component (14, fig. 2), a component retention latch (44, fig. 2) adapted to latch the removable component removably within the receptacle (see col. 3, lines 5-7), a component release lever (30, fig. 1) adapted to leverage the removable component out of the receptacle, a first actuator (21, fig. 1) movable in a first path (in and out, fig. 1) adapted to unlatch the component retention latch from the removable component (shown in fig. 3), and a second actuator (20, fig. 1) movable in a second path (in and out, fig. 1) adapted to bias the lever against the removable component (claim 23);

- wherein the first and second paths are substantially aligned with one another (both moving in the same direction) (claim 28).

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 12, 18, 32, 36, 39, 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Cheng (US 6,469,900 B2).

Cheng teaches a computer drive (110, fig. 1) comprising:

- a drive chassis (110, fig. 2), a latch (202, fig. 2) movable between released and secured positions (figs. 3A and 2) against the drive chassis, a lever (212, fig. 2) movable between unleveraged and leveraged positions (figs. 3A and 3B) against the drive chassis, a first actuator (112, fig. 2) engageable with the latch to move the latch from the secured position to the released position, and a second actuator (114, fig. 2) engageable with the lever after the latch has been moved to the released position to move the lever from the unleveraged position to the leveraged position (claims 12, 32 and 39); and

- wherein the first actuator and the latch are wedgingly engageable along an angled surface (shown in fig. 2) biased with a flexible member (22, fig. 2) (claims 18, 36 and 41).

Correspondence

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (571) 272-2038. The examiner can normally be reached on 07:30-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the Art Unit phone number is (571) 272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3431 for regular communications and for After Final communications. There are RightFax numbers and provide the fax sender with an auto-reply fax verifying receipt by the USPTO: Before-Final (703-872-9318) and After-Final (703-872-9319).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8558.

Yean-Hsi Chang
Patent Examiner
Art Unit: 2835
July 31, 2004